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Defendant's request for a discovery conference (ECF No. 29 (the "Request")) is GRANTED. The Court will address the issues raised in the Request at the telephone conference scheduled for January 23, 2024. (See ECF No. 28). By **12:00 pm on January 22, 2024**, Plaintiff shall file a letter responding to the issues raised in the Request.

January 18, 2024

The Clerk of Court is respectfully directed to close ECF No. 29.

**Via ECF**

SO ORDERED      1/19/2024

The Honorable Sarah L. Cave  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

SARAH L. CAVE  
United States Magistrate Judge

Re: *Roust USA, Inc. v. Maison Boinaud SAS*, Case No. 1:23-cv-00508-JGLC-SLC

Dear Judge Cave:

This firm is counsel to defendant and counter-plaintiff Maison Boinaud SAS ("MB"). We write pursuant to the Court's Individual Practices Section II.C.2., to bring to the Court's attention a discovery dispute resulting from plaintiff Roust USA, Inc.'s failure to produce documents in response to MB's document demands in this case, resulting in severe prejudice to MB and preventing the fulfillment of the parties' obligations as set forth in the Court's latest scheduling order.

### **Introduction**

Without Roust's documents, MB cannot prepare for the Rule 30(b)(6) deposition of Roust that it has noticed for February 1, 2024, nor can it adjourn the date of that deposition given that fact discovery will close on February 15, 2024, and this Court has admonished that "[n]o further extensions will be granted absent extraordinary circumstances." ECF No. 28.

Roust has, without explanation, only committed to produce documents in response to requests that have been pending for nine months by February 5, 2024, which would leave only ten days to conduct depositions in this action. Although it promised to write the Court to seek to adjourn the dates in the current scheduling order once again, it has not done so. MB is therefore constrained to move for an order compelling production pursuant to Federal Rule of Civil Procedure 37 ("Rule 37") unless these matters can be resolved in a conference with the Court that affords MB sufficient time to review Roust's as-yet-unproduced documents and take meaningful depositions in this action before the close of fact discovery.